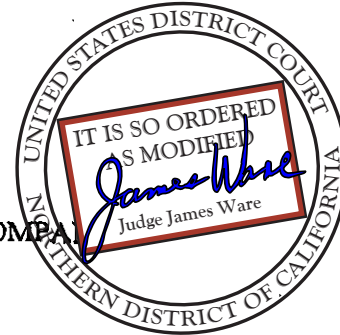


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7  
 8 UNITED STATES DISTRICT COURT  
 9 NORTHERN DISTRICT OF CALIFORNIA

10  
 11 SUSAN MEZZETTI,

12 Plaintiffs,

13 v.

14 STATE FARM MUTUAL AUTOMOBILE  
 15 INSURANCE COMPANY and DOES 1 through  
 30, inclusive,

16 Defendants.

CASE NO. C04 03022 JW  
 RELATED CASE: C04 03311 JW

17  
 18 **STIPULATION AND PROPOSED**  
 19 **ORDER TO REVISE THE COURT'S**  
 20 **SCHEDULING ORDER**

21 On November 30, 2004, Judge Ware designated *Clewett v. State Farm*, Case No. C04 03311  
 22 JW and *Mezzetti v. State Farm*, Case No. C04-3022 JW related. As such, they have identical  
 23 Scheduling Orders. All parties, by and through their respective counsel, hereby stipulate to revise  
 24 certain deadlines in the Court's Scheduling Orders as follows:

25 **I.**  
 26 **RECITALS**

27 1. The parties have been working diligently toward moving these related cases forward  
 28 in an efficient, expeditious manner. The parties have participated in the Rule 26 conferences and  
 exchanged the information and documents required by Rule 26. The parties have also exchanged  
 written discovery.

2. The parties attended an ENE before Court appointed ENE evaluator, George C.  
 Fisher of Richey, Fisher, Whitman & Klein, for both matters on September 28, 2005. The case did

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1 not settle.

2 3. Defendant State Farm Mutual Automobile Insurance Company ("State Farm") filed  
3 its Motion for Summary Judgment, or in the Alternative, Partial Summary Judgment in the instant  
4 matter and in the related matter of *Clewett v. State Farm* on or about October 27, 2005. Hearing on  
5 the motions took place on November 14, 2005 and the Court took the matters under submission.

6 4. During the hearing on the Motion for Summary Judgment, the Court ordered the  
7 parties to participate in a Mandatory Settlement Conference before Magistrate Judge Howard R.  
8 Lloyd. The parties have scheduled the Mandatory Settlement Conference for December 19, 2005,  
9 which was the earliest mutually available date for all of the parties. The Court also invited the  
10 parties to explore a stipulation to modify the most recent scheduling order for this purposes and the  
11 parties have so agreed.

12 5. Depending on the outcome of the Mandatory Settlement Conference or the Motion  
13 for Summary Judgment, this case could either be terminated or the issues significantly narrowed for  
14 discovery and trial. Therefore, the parties stipulate to revise the Court's Scheduling Order to avoid  
15 incurring the expense of expert disclosure and other discovery that may not be necessary following  
16 the outcome of the Mandatory Settlement Conference or the resolution of State Farm's Motion for  
17 Summary Judgment.

18 Accordingly, the parties hereby stipulate to revising the Scheduling Order as follows.

19 **II.**  
20 **STIPULATION**

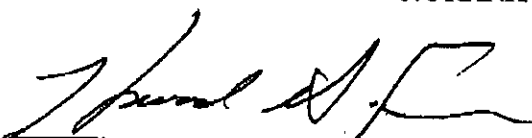
21 The parties hereby stipulate to the following revisions to the court's Scheduling Order:

- |  |  |
|--|--|
| 22 1. Mandatory Settlement Conference  | December 19, 2005<br>(remains unchanged)           |
| 23 2. Disclosure of Expert Witnesses:  | January 23, 2006<br>(currently December 6, 2005);  |
| 24 3. Rebuttal Expert Disclosure:  | February 8, 2006<br>(currently December 21, 2005); |
| 25 4. Deadline to file a motion to exclude an<br>26 expert or any portion of the expert's testimony: | February 22, 2006<br>(currently January 2, 2006);  |

- 1 5. Close of Discovery, including experts: March 8, 2006  
2 (currently January 20, 2006);
- 3 6. Deadline to file preliminary pretrial and trial  
4 conference statement: March 20, 2006  
(currently January 30, 2006);
- 5 8. Preliminary Pretrial Conference: April 17, 2006 @ 11:00am  
(currently February 27, 2006).

6 Dated: 11/22, 2005

LAW OFFICES OF HOWARD G. FRANK



HOWARD G. FRANK  
Attorney for Plaintiff  
SUSAN MEZZETTI

12 Dated: 11/22, 2005

MEZZETTI LAW FIRM, INC.



ROBERT L. MEZZETTI II  
Attorney for Plaintiff  
SUSAN MEZZETTI

17 Dated: 11/22, 2005

HAYES, DAVIS, ELLINGSON, McLAY & SCOTT



By  
STEPHEN M. HAYES  
STEPHEN P. ELLINGSON  
Attorneys for Defendant  
STATE FARM MUTUAL AUTOMOBILE  
INSURANCE COMPANY

III.  
ORDER

25 Pursuant to the parties' stipulation, the Court's September 28, 2005 Scheduling Order is  
26 hereby revised as follows:

- 27 1. Mandatory Settlement Conference: December 19, 2005
- 28 3. Disclosure of Expert Witnesses: January 23, 2006

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- 1 3. Rebuttal Expert Disclosure: February 8, 2006
- 2 4. Deadline to file a motion to exclude an expert or any portion of the expert's testimony: February 22, 2006
- 3
- 4 5. Close of Discovery, including experts: March 8, 2006
- 5 6. Deadline to file preliminary pretrial and trial setting conference statement: March 20, 2006
- 6
- 7 7. Preliminary Pretrial Conference: April 17, 2006 @ 11:00am

8 IT IS SO ORDERED:

9 Dated: Nov. 30, 2005

  
HONORABLE JAMES WARE  
UNITED STATES DISTRICT JUDGE

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STIPULATION AND [PROPOSED] ORDER TO REVISE THE COURT'S SCHEDULING ORDER  
CASE NO. 04-03022 JW